

REMARKS**Summary of the Office Action**

In the Office Action, claims 1-7 and 15-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,260,750 to *Ishida, et al.*, hereinafter ("*Ishida*").

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishida* in view of U.S. Patent No. 5,903,806 to *Matsuoka, et al.*, hereinafter ("*Matsuoka*").

Claims 9, 13, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishida* in view of U.S. Patent No. 5,895,149 to *Weed*.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ishida* in view of U.S. Patent No. 5,305,064 to *Trott, et al.*, hereinafter ("*Trott*").

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Weed* in view of U.S. Patent Publication No. 2002/0102113 to *Kusano, et al.*, hereinafter ("*Kusano*").

Claims 10-12 are indicated as objected to for being dependent upon the rejected base claim, but would be allowable if the written in independent form including all the features of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants thank the Examiner for allowance of claims 21-24. Applicants amend claims 1, 2, 6, 7, 10, 12, 15, and 16. Amendments to claims 2, 6, 7, 10 and 12 were made to correct minor informalities, while amendments to claims 1, 15, and 16 were made to particularly point out and distinctly claim the present invention. Accordingly, claims 1-24 are pending for further consideration.

In the Specification

Applicants remove numerical references in the “Summary of the Invention” section of the specification to address the objections to the specification.

Claim Informalities

Informalities in claims 10 and 12 have been corrected. The objection to these claims under 37 CFR § 1.75(a) is respectfully traversed. Applicants respectfully submit that these claims, as amended, are in condition for allowance.

All Subject Matter Complies with 35 U.S.C. § 102(b)

Claims 1-7 and 15-16 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Ishida*. Applicants respectfully traverse the rejection for the following reasons.

Applicants respectfully submit that the Office Action has not established that *Ishida* anticipates each and every feature of Applicants’ claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicants contend that newly amended independent claims 1 and 15 recite the feature of “a container body including a cylindrical body having an opening at one end . . . defining a developer storage chamber having the opening for filling developer at the one end; and a closing lid for closing the opening of the developer storage chamber at the one end in a state of being attached to the container body, the closing lid including a detachable portion capable of being attached to and detached from the container body at the one end, and a developer discharge port formed with the detachable portion,” and similarly claim 16 recites “a container body including a cylindrical body having an opening at one end . . . defining a developer storage chamber having the opening for filling developer at the one end; and a closing lid for closing the opening of the developer storage chamber at the one end in a

state of being attached to the container body, the closing lid including a detachable portion capable of being attached to and detached from the container body at the one end, and a cylindrical developer discharge tube extending along an axis of the container body and being formed with a developer discharge port formed with the detachable portion at the outer end thereof.” At least these features are not disclosed or taught by *Ishida*.

Ishida discloses an image forming apparatus that includes a toner processing unit. The unit has a first and second container integrated with each other. The first container defines a storing portion storing toner to be supplied to the developing unit. The second container defines a recovery portion for receiving waste toner removed by the cleaning means. The storing portion and recovery portion are partitioned from each other by a partitioning wall of the unit. The partitioning wall has a through-hole through for introducing, when the amount of developing agent received into the recovery portion exceeds a capacity of the recovery portion, an excess part of the developing agent into the storing portion. See Abstract of *Ishida*.

The Office Action states that *Ishida* discloses these features. Specifically, the Office Action states that a first container 61, which includes a toner storing portion 60a, has “a toner filling port 62 . . . closed by a cap 400 formed of a rubber.” See *Ishida* at col. 5, line 64 through col. 6, line 4. The Office Action then asserts that *Ishida* discloses “a right end that is opened (fig. 2 part 61b)” alluding to the cylindrical body having “an opening at one end” as recited in claims 1, 15, and 16. Further, the Office Action also asserts that *Ishida* has “a bottom wall member provided at the other opposite end as seen in figure 2” presumably referring to the opposing wall surrounding the toner filling port 62.

However, the structure identified in the Office Action cannot anticipate the above-mentioned claims because the “container body including a cylindrical body having an opening at one end and a bottom wall member provided at the other end opposite from the one end . . . [does not define] . . . a developer storage chamber having the opening for filling developer at the one end” as claimed. In fact, the Office Action asserts that the opening for filling the toner storing portion 60a with developer is accomplished at the bottom wall member and not at the one end as claimed. See the Office Action at page 3, lines 5-8. Thus, contrary to the above-mentioned assertions, *Ishida* cannot disclose the present invention. *Ishida* actually teaches away from the present invention by disclosing that the “opening for filling developer” is located in the bottom wall member. Because *Ishida* does not disclose at least these features, it cannot anticipate the invention recited in claims 1, 15, and 16.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Ishida* does not teach or suggest each feature of independent claims 1, 15, and 16.

Additionally, Applicants respectfully submit that dependent claims 2-7 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

All Subject Matter Complies with 35 U.S.C. § 103(a)

Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ishida* in view of *Matsuoka*. Applicants respectfully traverse the rejection for the following reasons.

Masuoka shows a developing agent cartridge which rotates to replenish a developing agent in a powder storing container. See col. 1, lines 1-11 of *Matsuoka*.

The Office Action states that *Matsuoka* is relied upon only for a handle. Fig. 12C of the specification shows a handle 12B2 on the outer surface of the bottom wall member 12B. See page 58, line 23 through page 59, line 1 of the specification.

Applicants respectfully submit that *Matsuoka* does not make up for the deficiencies of *Ishida* mentioned above. Moreover, *Masuoka* does not show a handle as claimed, but rather misnames a void space as a grip portion 314. See *Matsuoka* at col. 7, lines 35-37.

The Office Action has not established a *prima facie* case of obviousness at least because neither *Ishida* nor *Masuoka*, whether alone or in combination, teach or suggest all the recited features of claim 8. Namely, neither *Ishida* nor *Masuoka* teach or suggest at least the features of “a container body including a cylindrical body having an opening at one end . . . defining a developer storage chamber having the opening for filling developer at the one end; and a closing lid for closing the opening of the developer storage chamber at the one end in a state of being attached to the container body, the closing lid including a detachable portion capable of being attached to and detached from the container body at the one end,” features recited in independent claim 1.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Ishida* and *Masuoka* do not teach or suggest each and every feature of independent claim 1 or dependent claim 8.

Claims 9, 13, 14, and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ishida* in view of *Weed*. Applicants respectfully traverse the rejection for the following reasons.

Weed shows “an apparatus for dispensing particulate matter such as a powder or granulated material, into an electrophotographic type reproduction machine, or the like, and more particularly relates to a toner supply insert for insertion into an empty toner supply cartridge.” See col. 1, lines 9-14 of *Weed*.

The Office Action states that *Weed* is relied upon only for a resilient thin-wall container. Applicants respectfully submit that *Weed* does not make up for the deficiencies of *Ishida* above-mentioned.

The Office Action has not established a *prima facie* case of obviousness at least because neither *Ishida* nor *Weed*, whether alone or in combination, teach or suggest all the recited features of independent claims 1 and 16. Namely, neither *Ishida* nor *Weed* teach or suggest at least the features of “a container body including a cylindrical body having an opening at one end . . . defining a developer storage chamber having the opening for filling developer at the one end;

and a closing lid . . . including a detachable portion capable of being attached to and detached from the container body at the one end,” features recited in independent claims 1 and 16.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Ishida* and *Weed* do not teach or suggest each and every feature of independent claims 1 and 16,

Additionally, Applicants respectfully submit that dependent claims 9, 13, 14, and 18 are also allowable insofar as they recite the patentable combinations of features recited in claims 1 and 16, as well as reciting additional features that further distinguish over the applied prior art.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ishida* in view of *Trott*. Applicants respectfully traverse the rejection for the following reasons.

Trott shows “an apparatus in which toner particles are removed from the toner hopper or dispenser cartridge to the developer housing and onto the donor roller in a single component development system for use in color reprographic systems.” See Abstract of *Trott*.

The Office Action states that *Trott* is relied upon only for a toner supplying auger portion made of a spiral wire. Applicants respectfully submit that *Trott* does not make up for the deficiencies of *Ishida* above-mentioned.

The Office Action has not established a *prima facie* case of obviousness at least because neither *Ishida* nor *Trott*, whether alone or in combination, teach or suggest all the recited features of independent claim 16. Namely, neither *Ishida* nor *Trott* teach or suggest at least the features

of “a container body including a cylindrical body having an opening at one end . . . defining a developer storage chamber having the opening for filling developer at the one end; and a closing lid . . . including a detachable portion capable of being attached to and detached from the container body at the one end,” features recited in independent claim 16.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Ishida* and *Trott* do not teach or suggest each and every feature of independent claim 16.

Additionally, Applicants respectfully submit that dependent claim 17 is also allowable insofar as they recite the patentable combinations of features recited in claim 16, as well as reciting additional features that further distinguish over the applied prior art.

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Weed* in view of *Kusano*. Applicants respectfully traverse the rejection for the following reasons.

Kusano shows a toner bottle that discharges toner stored therein when mounted to an electrophotographic image forming apparatus in a substantially horizontal position and then rotated about its axis. See Abstract of *Kusano*.

The Office Action states that *Kusano* is relied upon only for the toner bottle and mouth are produced separate from each other and thus can be washed separately. Applicants respectfully submit that *Kusano* does not make up for the deficiencies of *Weed* and *Ishida* above-mentioned.

The Office Action has not established a *prima facie* case of obviousness at least because neither *Weed* nor *Kusano*, whether alone or in combination, teach or suggest all the recited features of independent claims 19 and 20. Namely, neither *Weed* nor *Kusano* teach or suggest at least the features of “a closing lid including a cylindrical wall having a cylindrical insertion portion to be inserted from the opening, an end wall connected to the outer end opposite from the cylindrical insertion portion of the cylindrical wall *and having a coupler mounting portion and a filling port, and a developer discharge port*, the closing lid closing the opening of the developer storage chamber in a state of being fitted to the container body,” features recited in independent claims 19 and 20. Emphasis added.

As pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). As such, Applicants respectfully assert that *prima facie* obviousness has not been met. Therefore, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) should be withdrawn because *Weed* and *Kusano* do not teach or suggest each and every feature of independent claims 19 and 20.

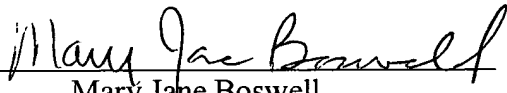
CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Mary Jane Boswell
Reg. No. 33,652

Date: March 18, 2005

Customer No. 009629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, D.C. 20004
Tel.: (202) 739-3000